

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

| | | |
|--------------------------|---|----------------------|
| UNITED STATES OF AMERICA |) | |
| |) | Case No. 1:09-CR-181 |
| v. |) | |
| |) | |
| LESLIE APGER |) | COLLIER/CARTER |

REPORT AND RECOMMENDATION

An April 23, 2010, letter from Linda T. McGrew, Warden of the Federal Bureau of Prisons, Federal Detention Center in Miami, Florida and a Forensic Evaluation of defendant Leslie Apger were received by the undersigned Magistrate Judge. It is the opinion of the examiner that defendant does not suffer from a severe mental disorder or defect that would preclude her ability to understand the nature and consequences of the proceedings against her, or to assist her attorney in her own defense.

A waiver of competency hearing signed by defendant and submitted by Atty. Curtis Bowe was filed on June 18, 2010. It is therefore ORDERED that the waiver be filed as a part of the record. The Court RECOMMENDS on the basis of the waiver and the report that defendant Leslie Apger be found competent to stand trial.¹

Dated: June 23, 2010

/s/William B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE

¹Any objections to this Report and Recommendation must be served and filed within fourteen (14) days after service of a copy of this recommended disposition on the objecting party. Such objections must conform to the requirements of Rule 59(b)(2) of the Federal Rules of Criminal Procedure. Failure to file objections within the time specified waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 88 L.Ed.2d 435, 106 S.Ct. 466 (1985). The district court need not provide *de novo* review where objections to this report and recommendation are frivolous, conclusive or general. *Mira v. Marshall*, 806 F.2d 636 (6th Cir. 1986). Only specific objections are reserved for appellate review. *Smith v. Detroit Federation of Teachers*, 829 F.2d 1370 (6th Cir. 1987).